

COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
July 20, 2004

1. WORKSHOP MEETING

- 1.1 Mayor Dirksen called the meeting to order at 6:35 p.m.
- 1.2 Roll Call: Mayor Dirksen, Councilors Moore, Sherwood, Wilson, and Woodruff were present
Staff present included City Manager Bill Monahan; Deputy City Recorder Jane McGarvin, Public Works Director Dennis Koellermeier, and City Engineer Gus Duenas.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports: None.
- 1.5 Call to Council and Staff for Non Agenda Items:

Mayor Dirksen requested the addition of his recommendation of the Citizen of the Year to Washington County Fair under Non-Agenda Items.

2. COUNCIL LIAISON REPORTS - None

3. REVIEW RECOMMENDED DRAFT OF PARK AND RECREATION NEEDS ASSESSMENT SURVEY DRAFT

City Manager Bill Monahan noted two handouts regarding this item that had been distributed: 1) E-mail from John Frewing (Council Item No. 3, Exhibit No. 1) and 2) letter from Sharon Maroney, Producing Artistic Director of the Broadway Rose Theatre Company (Council Item No. 3, Exhibit No. 2).

Public Works Director Dennis Koellermeier explained the Parks and Recreation Advisory Board and the pollster hired to conduct the survey reviewed the draft survey since the Council and the Parks & Recreation Advisory Board met to review the proposed survey. He noted the changes that had been made.

Councilor Moore noted the survey was too long and if he were to be called, he would be quickly bored. He suggested the number be reduced to 10 to 11 questions.

Councilor Wilson stated he felt just the opposite and would be willing to answer all the questions in the hope he could influence the direction the City was going. He concurred there were some confusing questions on the survey.

Councilor Sherwood noted the first three questions on the survey might open a "can of worms" and suggested they be deleted.

Councilor Woodruff pointed out that someone might want to give a long answer relating to the operation and performance of the City of Tigard in general, while the purpose of the survey was to address parks and recreation needs.

Mayor Dirkson explained this was a vast improvement from the draft questions previously reviewed by Council with the Parks & Recreation Advisory Board.

The Council concurred to skip the first 3 questions and to focus more on parks and recreation questions.

Councilor Woodruff asked if the survey would ask the responder if they wished to be part of the Tualatin Hills Recreation District.

Mr. Monahan replied that question was not being asked at the request of the Tualatin Hills Recreation District, as there has not been any agreement reached between the City and the District. He recommended the terms "district" and "city" be used generically but not specify any specific district.

Councilor Wilson noted his preference to keeping the options open by not specifying that recreation programs would be operated by the City or possibly a district.

Mr. Monahan explained the Broadway Rose letter was submitted in response to the School District's proposed demolition of the old Charles F. Tigard School that had been built in 1979. Portions of the school buildings were being demolished, but there was hope that the cafeteria building could be saved for multi-purpose uses. The Broadway Rose Board of Directors was asking the City to ask the community in its survey if they would be supportive of a year-round performing arts center.

Mr. Koellermeier stated the intent was to finalize the survey questions by mid-September and then have the survey conducted during the early fall.

Councilor Wilson noted the assessed value information needed to be corrected.

The Council directed staff to finalize the survey with the public relations company and the Parks & Recreation Advisory Board.

4. SELECTION OF FINAL LOCATION FOR FANNO CREEK PARK SHELTER AND PARKING LOT

Mr. Koellermeier presented his staff report and noted that staff recommended the Option "B" location as it is located back from Hall Blvd. The Option "A" location is too close to the street and parents might be concerned about their young children's safety. There are concerns with the swale that needs to be resolved. He pointed out the old "white house"

location as well as the row of trees on the property. The Option "B" location is visible from the children's area of the new library. They would like to proceed with the project within the next 90 days.

Council concurred to proceed with the Option "B" location for the Fanno Creek Park Shelter and Parking Lot.

5. COUNCIL GOAL UPDATE

Mr. Monahan noted this was the first report since Councilor Woodruff was appointed. The report shows accomplishment and progress on the City Goals. He complimented Joanne Bengtson for putting together the Goal Update.

6. DISCUSSION OF THE TIEDEMAN AVENUE RAILROAD CROSSING REPAIR

City Engineer Gus Duenas presented his staff report and a PowerPoint presentation about the proposed project. He explained that in May 2004, Portland and Western Railroad had indicated its willingness to participate in the project up to \$5,000, but in June withdrew its commitment. Portland and Western Railroad indicated the cost to improve just the easterly track would cost \$70,743.45, which was higher than the estimate of \$60,000 included in the FY 2004-05 Capital Improvement Program. The railroad would like to schedule the work in August if the City authorized the project. Mr. Duenas then reviewed the two options: 1) construct the project as proposed and to put the Letter of Agreement with Portland & Western on the Council's July 27 meeting consent agenda, or 2) cancel the project construction, have the project constructed as part of the commuter rail project, withdraw the letter of agreement from the July 27 meeting agenda, and perform temporary repairs to both tracks to improve rideability. He noted that staff's recommendation would be Option 2.

Mayor Dirksen asked what the City's liability would be if nothing was done.

Mr. Monahan noted he thought the risk would be minimal as temporary repairs would be made, and it is believed the commuter rail program will be moving forward within the few years.

In response to Council's concern, Gretchen Buehner stated she concurred with Mr. Monahan's statement on the risk factors.

Councilor Sherwood noted that the commuter rail planning was moving forward by TriMet, the railroad and the Oregon Department of Transportation.

Mayor Dirksen noted he had not heard of accidents at this crossing.

Mr. Duenas explained most people are aware of the condition of the pavement and drive slow over the tracks.

In response to a question by Councilor Moore, Mr. Monahan responded he would not recommend installing a sign to read, "bumpy road, proceed at your own risk." Patching the pavement would be a temporary fix. He pointed out the City has been told the commuter rail program would be built in the next few years, rather than ten years from now.

The Council concurred with Option 2, and the letter of agreement will be withdrawn from the City Council July 27 Meeting agenda.

7. NON-AGENDA ITEMS

- Washington County Fair Nomination
Mayor Dirksen explained he had received a call from Lisa Olsen of the Washington County Fair requesting all mayors in Washington County to submit someone's name in their community as Citizen of the Year. He recommended submitting Connie Ramaekers as Tigard's Citizen of the Year.

The Council concurred with Mayor Dirksen's recommendation.

Youth Advisory Committee member Lindsey Boyce explained that Ms. Ramaekers is an outstanding staff member at the Tigard High School, and among other responsibilities, oversees the Clothes Closet, volunteers on the youth forum and skatepark planning.

> ADMINISTRATIVE ITEMS

a. Henry Kane Filing

Mr. Monahan noted that staff had responded to Mr. Kane indicating that the filing deadline to submit written material on the Bull Mountain Annexation Plan was noon on July 22 in order to copy and deliver the materials to the Council prior to the meeting.

b. Council Vacation Calendar

Mr. Monahan asked Council to notify him of any dates they would not be attending Council meetings.

- Councilor Sherwood noted she was not available to attend the August 3 meeting.
- Councilor Woodruff stated he would be available to meet on August 3.
- Councilor Moore stated he would e-mail his plans.

c. Calendar Review

July 28, July 29: City Council Carry Over for Bull Mountain Public Hearing
August 3: City Council (Possible) Carry-Over Dates
August 10: City Council Business Meeting
August 17: City Council Workshop
August 24: City Council Business Meeting
September 18: Community Fair

d. July 27 Hearing Process

Deputy City Recorder Jane McGarvin explained she had reserved the City of Lake Oswego's timer system for that meeting, and described how it works.

Mr. Monahan pointed out additional days has been reserved in case Council wishes to continue the hearing from Tuesday night. He noted he was not available on Wednesday, July 28, but Assistant to the City Manager Liz Newton would attend the meeting as his representative if the Council chooses to meet that night. City Attorney Gary Firestone will be attending all the meetings.

Councilor Sherwood noted that with the Library pre-grand-opening event being held on Friday, July 30, she would prefer not meeting on Thursday, July 29.

Mr. Monahan explained the Council meeting will begin at 6:30 p.m. on July 27, for Council to act on the Consent Agenda, as well as for an explanation of the process for the public hearing at 7:30 p.m. Additional staff will be available to assist at the hearing, in Town Hall as well as in the lobby and areas in the library. Additional chairs will be brought in to the library building for this hearing.

The Councilors discussed how to proceed with the hearing, especially relating to whether to continue the hearing to another night or to continue hearing testimony later than 10 p.m. Mayor Dirksen indicated the Council Groundrules indicate that before 10 p.m., Council has to agree whether to continue past 10 p.m.

Councilor Moore indicated if there were only a few more people present who had signed up to testify at 10 p.m., he would prefer staying after 10 p.m., and then allow the Councilors to deliberate and make a decision the same night. If there were a lot of people remaining at 10 p.m., he might agree to a continuation. Councilor Wilson agreed.

Mr. Monahan noted at 7:30 p.m., the City Attorney would begin with his opening statement, and handle any other legally required statements. The staff will present their report, which they will try to hold to 15 minutes. He explained while Council has heard the report numerous times, it is necessary that the staff present their report at this time as part of the official record.

Council will be allowed to ask questions of staff and then the public will be allowed to testify.

Councilor Wilson asked if citizens could testify about anything or will the testimony be limited to addressing specific criteria.

Mr. Monahan responded that Mr. Firestone will explain the criteria for presenting testimony based on ORS Chapter 195, and the criteria will be posted on the wall in Town Hall. He did not think that if someone gets totally off track, they would be stopped as they did not want to get into a debate whether or not their concerns addressed the criteria.

Councilor Sherwood indicated her concern about demonstrations, or rude raunchy behavior. She asked if Council needed to listen to that kind of demonstrations.

Mr. Monahan explained the meeting will follow the Oregon Public Meetings Law, and the Oregon Revised Statutes have standards for the conduct of land use proceedings. Council can control how the hearing is conducted. There is a potential for noisy outbursts. The staff is ready for any contingency.

Councilor Woodruff asked that the groundrules be explained at the hearing.


Mr. Monahan responded that the groundrules will be explained as part of the 6:30 p.m. section. He noted if someone would rather present written comments instead of waiting to testify, there will be paper available for citizens to write out their comments. Any written testimony will be made part of the hearing record. In addition to the local press, it is anticipated that the TV media will be covering the hearing.

8. ADJOURNMENT

The meeting adjourned at 7:36 p.m.


Jane McGarvin, Deputy City Recorder

Attest:


Mayor, City of Tigard

Date: August 10, 2004